

**Call to Order:**

The meeting was called to order at 7:39 p.m. Present were Chair, Joan Duff, members Jay Doherty, John McDonnell (arrived at 7:49 p.m.), Vincent Chiozzi, and associate member Lelani Loder (arrived at 7:46 p.m.); also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Ms. Duff, Chair, disclosed that the meeting minutes are recorded and published online, any input from the audience (including their names and addresses) will be appear in the published minutes, and all Board meetings are broadcast on television and available for viewing.

**Faith Lutheran Church (360 South Main Street):**

The Board opened the public meeting on an application by Faith Lutheran Church 360 South Main Street for a Modification of a Site Plan Review. Scott Cornett with Northpoint Construction Management addressed the Board on behalf of Faith Lutheran Church regarding the changes in the plan that were previously approved in May 2010. The Church has decided to forgo the addition of a larger sanctuary in the back of the building in favor of a few meeting rooms and storage space. They will no longer be constructing Phase 1 of the original Site Plan and would like to start construction of Phase 2. No additional parking will be required, and drainage is going to be addressed with infiltration trenches along the back of the property. Dana F. Perkins submitted a sketch to supplement the Site Plan and to address questions and comments that were brought up during the IDR. Items that were added to the plan are a new water line for the new building sprinkler system (brought through front of building to keep 100 ft from the wetlands), and an existing sewer line that will need to be replaced with cast iron. Ms. Byerley reviewed her memo to the Board dated June 7, 2012 including comments from the IDR conducted on June 5<sup>th</sup>. She stated the original Site Plan was approved in 2010 after a complete review by both the Planning Board and the Conservation Commission. The Conservation Commission has reviewed the new scaled down plan. The scaled down plan is for less than 1,500 sf, there is an existing walkway that is proposed to be covered, and the parking lot layout will not be changed. The parking lot will be ripped up to install the new water line, but plans are being made so that those parking at the Park and Ride will not be disturbed. Mr. Chiozzi questioned if there would be an increase in impervious area. Ms. Byerley explained that there is an increase; however the review has been completed by the Conservation Commission. She also noted that because the previous plan was approved, this new approval is a matter of record and she has provided the Board with a recommendation that can be submitted to the Inspector of Buildings. Mr. Chiozzi made a motion which was seconded by Mr. Doherty to close the discussion and recommend approval for the modification of the site plan review for the expansion of Faith Lutheran Church to the Inspector of Buildings as outlined in Ms. Byerley's memo dated June 7, 2012. **Vote:** Unanimous (3-0)

**Minutes:**

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board voted to approve the minutes of April 24, 2012, as amended. **Vote:** Unanimous (3-0)

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board voted to approve the minutes of May 8, 2012 and May 22, 2012 as submitted. **Vote:** Unanimous (3-0)

**Other Business:**

Mr. Materazzo updated the Board on the Franciscan Overlay District. Currently the Task Force is reviewing the site for environmental constraints, touring the grounds around the Franciscan Center and getting an understanding of the Town's demographics and needs in regards to its aging population. The overlay Bylaw is now being written based on Bylaws from other communities. There will be a public meeting in October or November 2012 to reengage the public, and it is expected to be brought before Town Meeting 2013. There is a plan to consult with other facilities as well as developers to review the Bylaw for any potential issues.

Mr. Materazzo updated the Board on the Town Yard Process. The Town Yard Task Force has officially disbanded. The Board of Selectmen is making this a top priority and they are trying to develop a strategy to move forward. A book of data on the history of the project is currently being put together by Planning, Plant and Facilities and the former Chair of the Task Force for review by the Board of Selectmen.

Mr. Materazzo updated the board on Schneider Electric and the Tax Increment Finance (TIF) Plan that was approved at Town Meeting. The formal agreement is currently with Corporate Counsel, and should be finalized over the summer. It will then be filed with the Economic Assistance Coordinating Council for their September meeting.

**197 Andover Street:**

The Board opened the public hearing that was continued from the May 22nd meeting on an application by Shane Marrion for a Special Permit for a Change in Parking Space Requirements located at 197 Andover Street. Bill MacLeod of Andover Consultants representing the applicant stated that the applicant is seeking to reduce the number of parking spaces required from nine to four for the use. The parking lot behind the building has been constructed with the four spaces based on their issued permit from the Conservation Commission. A dentist has expressed interest in buying the building. For a dental practice, the parking requirements are three parking space for each treatment room in the office, and there would be three treatment rooms. There was a discussion about what Ms. Byerley and the Board members saw when they each visited the Site. Ms. Byerley stated that when she went to the site on Friday, June 8<sup>th</sup>, there was parking available on both Dale Street and Tewksbury Street. Ms. Byerley contacted the MBTA to see if they had any plans for improvements in that area, and they do not. Ms. Byerley requested a meeting with the MBTA to discuss possible improvements, with the upcoming construction of a double track, but they have not responded. Ms. Loder asked if the paved area closest to the tracks could be used as parking. Shane Marrion, the owner/ applicant stated that he does not own that property, it is owned by the MBTA, so it cannot be used as parking. Ms. Byerley questioned Mr. MacLeod on the square footage of the first and second floors of the building. Based on his answer, Ms. Byerley noted that per a zoning change in 2011, for General Business, at their current square footage, the applicant would only require 4 spaces for professional office use, which is how many spaces they currently have. Ms. Duff asked if the Safety Officer was able to look at the site and if he had concerns. Ms Byerley stated that the Safety Officer had not, and requested that the Board specify what they want him to look at. There was a discussion on what the Board members saw when they each visited the site, and if the Town or MBTA could encourage improvements to the area in regards to pedestrian safety. Mr. Materazzo encouraged

**197 Andover Street (cont.):**

the Board to come up with a plan for improvements that could be presented to the Department of Public Works. Mr. Chiozzi stated he is uncomfortable approving the project knowing the area isn't safe, but there are no mechanisms for the Board to make or order the improvements. There is a discussion on dangerous pedestrian situations all over Andover. Mr. MacLeod stated they are not asking for the project to be approved, they are asking for a reduction of parking. No matter what business goes into the building, there will be increased traffic. Mr. Chiozzi expresses that he would feel more comfortable if a letter was written to the Town or the Public Safety Officer that requests improvements be made to the area for safety. The Board asked Ms. Byerley to draft a recommendation for the next hearing, and they will keep the hearing open in case some other information comes in that should be considered. On a motion by Mr. McDonnell seconded by Mr. Doherty the Board voted to continue the public hearing on an application by Shane Marrion for a Special Permit for a Change in Parking Space Requirements located at 197 Andover Street until June 26, 2012 at 8:00 p.m. **Vote:** Unanimous (4-0)

**600-800 Federal Street:**

The Board opened the public hearings that were continued from the May 22<sup>nd</sup> meeting on an application by Leggatt McCall Properties, LLC for a Modification of a Definitive Subdivision (Woodland Park), a Modification of a Major Non-Residential Project, and a Special Permit for Watershed Protection Overlay District on property located at 600-800 Federal Street. The proposed modifications are to expand the existing building at 800 Federal Street from 160,860 gsf to 237,974 gsf. and to combine the lots of 600 and 800 Federal Street plus combine additional lots that front off Chandler Road and reconfigure the cul-de-sac. Ms. Byerley reviewed her memo to the Board dated June 7, 2012, which included the items that were continued over from the previous meeting. She stated an emergency access gate will be placed in the area suggested by the Fire Prevention Officer, and the applicant will obtain any easements that may be required. If easements cannot be obtained, Lt. Pomerleau agrees with the placement of the gate according to the plans. In regards to the 100 foot buffer requirement, that Acting Inspector of Buildings issued a letter with his determination that zoning relief is not required because the use of the abutting property as a driving range is primarily commercial. The applicant has submitted revised plans which are being reviewed concurrently with the NOI by the Conservation Commission. The Board of Health and the DPW have yet to respond on the revised plans. The ESS Group has finished their Drainage Review and concluded that the project is in compliance with the MassDEP Stormwater Handbook and the Town's Stormwater Management & Erosion Control Bylaw. Abutter Anthony Christopher, 5 Suffolk Circle, questioned if the applicant could expand the berm that runs the full length of the current parking lot, so that the new parking lot also has a berm as a natural barrier. Ms. Susan Mohn of John Crowe Associates explained that the current berm will remain and a small area will be disturbed to expand the parking area. Ms. Byerly questioned the applicant on the driving range netting and if the applicant plans to replace the netting at the same time of construction of the parking lot. Bill Gause, Leggatt McCall Properties, LLC, stated that the netting would be replaced at the same time with higher poles. The poles are currently 40' and they will be replaced to be either 70' or 80'. Ms. Byerley questioned if the reserve parking lot would be built immediately and Mr. Gause stated the tenant wants the parking available right away. Ms. Mohn explained that the parking is going to be extended by 50'. There are wetland areas within the 25' no disturbance zone, so the berm cannot be extended. Also, where the berm would be extended to is a mature

**600-800 Federal Street (cont.):**

forest, so there is no need to extend the berm. Ms. Byerley questioned if it would be possible to do plantings in the area. Ms. Mohn and Mr. Gause agreed that evergreen trees could be planted along the edge of the parking area. Sarki Sarkisian of 159 Chandler Road provided two aerial photos of the driving range, one from 1994 when the driving range was first completed and one currently. He expressed his concern that balls from his driving range will go into the parking lot with the loss of trees due to the expansion. He estimated that the trees that deflect the balls are 80'-90', so he feels the netting should be 80'-90' high. Mr. Sarkisian prefers steel poles in concrete. The pole itself would be 100'; however it would need to be 12' in the ground, for it to be a total of 88' high. If the poles aren't put into concrete you need guide wires put in place for poles that high. Mr. McDonnell questioned who would be responsible for the maintenance of the net if the applicant installed it. The applicant responded the driving range. Attorney Johnson gave background to the Board that the driving range came into existence through a ruling of the zoning board of appeals. A driving range normally needs to have 50 acres. This driving range was put on 12 acres with a condition that it must have a net of 25' according to ZBA 23-65 dated September 3, 1993. Mr. McDonnell expressed concern that this situation could put the driving range out of business and or lead to litigation. Jeff Sarkisian, son of the driving range owner expressed that his family is most concerned with safety and they don't want to be responsible for someone getting hurt. Mr. McDonnell questioned if the existing netting and trees always keep balls out of the parking lot. Mr. Sarkisian responded that they did not. Ms. Loder suggested a carport or covered structure for the cars closest to the property line. Ms. Byerley explained that emergency vehicles would not be able to get through such a structure. It is discussed that an expert should be brought in to determine how high the netting needs to be, but this may involve a lot of give and take from both parties involved. Mr. Gause questioned the board if the height of the net needs to be part of their decision, or if he and Mr. Sarkisian can work things out on their own. Mr. McDonnell wants to see an agreement in place. Rita Sarkisian asked the Board where the liability falls if someone is injured by a golf ball. Mr. Sarkisian stated that according to his insurance company, the person hitting the ball is responsible. It is agreed by the Board that by the next meeting the applicant and the driving range will have an agreement in place in regards to the netting, and if they cannot, the proposed upon agreement will be presented to the board. On a motion by Mr. McDonnell seconded by Mr. Doherty the Board voted to continue the public hearings on an application by Leggatt McCall Properties, LLC for a Modification of a Definitive Subdivision (Woodland Park), a Modification of a Major Non-Residential Project, and a Special Permit for Watershed Protection Overlay District on property located at 600-800 Federal Street until June 26, 2012 at 8:15 p.m. **Vote:** Unanimous (4-0)

**Other Business:**

The Board decided to table the Selection of Officers until the next meeting.

**Adjournment:** The meeting was adjourned at 9:05PM.